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C O N F I D E N T I A L BAGHDAD 001584

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E.O. 12958: DECL: 05/14/2017
TAGS: [MOPS](#) [MCAP](#) [PHUM](#) [PGOV](#) [PTER](#) [MARR](#) [PINS](#) [PNAT](#) [IZ](#)
SUBJECT: MINDEF AGREES TO DETENTION REFORM AS POPULATION
SURGES

REF: A) BAGHDAD 1517 B) BAGHDAD 1378

Classified By: A/POL-MIL COUNSELOR ALEJANDRO BAEZ FOR REASONS 1.4 (A),
(B), AND (D)

¶1. (C/REL MNF-I) SUMMARY: At the urging of MNSTC-I
Commanding General Lieutenant General Dempsey, Minister of
Defense Abd al-Qadir agreed on May 6 to address the abuse and
substandard detention conditions discovered recently by an
MOD-led inspection team visit to the Baghdad military
intelligence prison at Old Muthanna Air base. An
MOD-Coalition team has developed a way forward and follow up
action has begun at the facility. LTG Dempsey will offer
significant reform incentives to add momentum to this effort.
We will assist the team in following up these corrections
with efforts to institute similar reforms at other MOD
facilities. We recognize, however, that complete
rehabilitation of the MOD detention system is dependent on
inter-ministerial commitment. END SUMMARY

Inspection Background

¶2. (C/REL MNF-I) On April 30, Emboffs accompanied Ministry
of Defense and Coalition Forces officials on an inspection of
an Iraqi military intelligence (M2) prison in Baghdad at the
Old Muthanna air base. The team investigated allegations in
an April 28 Coalition document that the M2 prison was:
overcrowded and substandard; held civilian, as well as
military detainees; housed several detainees that showed
signs of physical abuse; and lacked proper judicial
oversight. The MoD-led investigative team concluded that the
allegations in the April 28 document were accurate. Steps are
now underway to remedy the identified problems.

Surge in Detainee Intake

¶3. (C/REL MNF-I) The M2 prison,s authorized maximum capacity
is 150. On the day of the inspection there were 324
detainees crammed into the four-room facility. The rooms were
poorly ventilated and the population showed indications of
possible lice and scabby infestation. The MOD-inspection
team attributed the rise in numbers to the increased tempo of
operations under the revised Baghdad Security Plan and
detainees transferred to Muthanna under orders from the PM,s
Office of Commander in Chief. Overcrowded conditions were
first documented by the inspection team in early March,
approximately a month into the BSP.

Two Juveniles

¶4. (C/REL MNF-I) While touring the facility, Emboffs located two juveniles, one thirteen and the other sixteen years old. Both had been in the facility for over one month. The M2 detainee operations director and intelligence officer, Major Haider Abbas said he did not have the authority to release or transfer the boys to a Ministry of Labor facility)- the legal holding authority for juveniles. He said that the responsibility for ordering a transfer rested with the investigative judge. (Note: We confirmed that even though the investigative judge had seen the two boys, he had not ordered their transfer as required by law.)

Civilian and Military Prisoners Held at M2

¶5. (C/REL MNF-I) Major Haider said Iraqi Security Forces had repeatedly asked his facility to accept civilian detainees, despite the fact that the prison is meant to hold only convicted military personnel. Haider said that managers of many ISF detention facilities send detainees to M2 because they believe it has space that their even more overcrowded facilities do not. &High-threat8 detainees are also sent to M2 for intelligence review. The MOD-led inspection team urged Haider to refuse to accept these civilian detainees. Haider said he would need a written directive from the Minister of Defense to implement such a policy.

Detainee Abuse

¶6. (C/REL MNF-I) The inspection team identified and documented four cases of alleged physical abuse. One man, with a broken collar bone and bruises on his left arm, said that interrogators injured him by pulling his arms behind him

and hanging him in stress positions from the ceiling. Another man with thin scars around his torso said that he had been whipped with cables. A third man who had purple bruises on his left shoulder-blade said prison guards beat him on April 29 with iron cables and forced him to sign a confession while blindfolded. Similarly, one of the juveniles reported that he was forced to sign a blank sheet of paper after having been beaten. (Comment: Emboff separately interviewed each alleged torture victim. Their reports were consistent with accounts of physical abuse we have heard from detainees at other MoD detention facilities detainees (ref B). End Comment)

¶7. (C/REL MNF-I) One alleged abuse victim passed Emboff a three-page handwritten letter detailing his detention experience from point of capture to the present. The letter detailed specific complaints of abuse, identifying Lieutenant Colonel Emad and Colonel Abdel Husain Swaidan as the most abusive of the facility,s staff. When Emboff showed the letter to two of the MOD inspection team members, they dismissed it as unimportant and returned it. (NOTE: Both Hussein and Emad were dismissed by the M2 from their prison positions prior to this inspection; MOD officials reported Emad left the military and Hussein was transferred to an &administrative office8 within the MoD.)

Not Much of a Detainee Intake Process

¶8. (C/REL MNF-I) The M2,s seemingly inadequate intake processing system has resulted in a high number of poorly documented detainees. Haider said that he accepts only detainees who are accompanied by a valid arrest warrant, which his staff files. Haider said he ensures that each detainee receives a physical by a staff medical assistant within 24 hours of arriving at the facility. Haider admitted that his staff takes no further steps during the in-processing phase. He confirmed that his staff does not fingerprint or take photos of the detainees, identify their addresses, allow them to make phone calls to next of kin

(until the investigation is complete), or record the rationale for why they should be detained at M2.

Where,s the Judge, Where are the Investigative Files

¶9. (C/REL MNF-I) Haider said the investigative judge assigned to the facility comes approximately twice a week, spending approximately four hours each time reviewing files and adjudicating cases. The judge had been at the facility on April 29, during which time he reviewed seven cases and released six detainees who had been held for only two days. When asked how these six had become such a priority in a facility where many detainees had been waiting more than six months for their case to be heard by a judge, Haider said the Prime Minister had directed their release. Haider further explained that the judge had his own system for prioritizing cases, adding that the judge,s system was not linked to the time a detainee had spent in the facility.

¶10. (C/REL MNF-I) Haider said we could not see any of the detainee investigative files because they were not held on site. Because the M2 prison is an intelligence facility, he reported, the files are considered sensitive8 and by policy must be held at the M2 headquarters across town. As a result, each time the judge shows up he must provide a list of the cases he would like to review and one of the facility,s officers must go across town to retrieve them.

Way Ahead at M2 Facility

¶11. (C/REL MNF-I) During a May 6 meeting, LTG Dempsey discussed the preliminary findings of the M2,s inspection with Minister of Defense Abd al-Qadir, pressing him to immediately work with the Coalition to address the problems identified. LTG Dempsey advised Qadir that if action was not taken or was delayed, he could end up publicly accused of being implicated in serious human rights abuses. Qadir agreed to Dempsey,s recommendation. On the other hand, Qadir also questioned the legitimacy of some of the investigative team,s findings, noting that the pictures of the supposed cable whippings were probably just "shirt marks" and that many of these detainees, including the juveniles, were probably involved in planting IEDs and killing innocent Iraqis. (Comment: Qadir's acknowledgement of the need for

reform seemed unenthusiastic. His subsequent comments suggested that perhaps he believed a bit of abuse and substandard conditions were acceptable, or at the least unavoidable. End Comment.)

¶12. (C/REL MNF-I) In cooperation with MNSTC-I, MOD officials have developed a number of strategies to remedy the problems found at the M2 facility. Implementation of these concepts is underway.

--The two juveniles are to be transferred immediately, as directed by MinDef Qadir on May 6. (NOTE: The thirteen year old was transferred on May 11. MNSTC-I reported the sixteen year old remains because he has no valid identity papers on file with the prison to prove his age.)

--M2 staff has opened an investigation into the four cases of physical abuse identified at the facility. Based on the letter passed by one of the abused detainees, M2 staff will open an investigation on the two individuals identified as prime human rights violators at the facility. We recommend a joint investigation with the MoD,s Inspector General, noting the potential conflict of interest for MoD personnel assigned to the investigation.

--The M2 staff will implement a clear detainee in-taking process. The M2 has placed a computer in the prison and the staff will be trained to enter identifying data into it for each detainee that enters the facility. Furthermore, the

Coalition has also contributed one biometric kit to the facility and has begun training of staff on biometrics. Photographs will now be taken of each detainee upon arrival and any signs of abuse will be documented. Within two hours of arrival, each detainee will be allowed a supervised telephone call to notify a family member or friend of their circumstances.

--The M2 director, Major General Abdul Aziz Kubaisi is developing a policy for M2 detention. The M2 facility at old Muthanna airbase will no longer be allowed to accept civilian detainees, nor women or juveniles under any circumstance. All facilities must maintain copies of investigative files for each held individual.

--LTG Dempsey will offer a significant new cost-sharing incentive to MoD to expand, improve, and professionalize the Old Muthanna detention facility, as well as to generally professionalize all MoD detention security forces through reorganization and training. He will specifically recommend that MoD transfer responsibility for military detention facilities and forces from the M2 (Intelligence) to the Iraqi Military Police, and will offer incentives to assist with such a transition.

--The Minister of Defense will meet with the Higher Juridical Counsel to discuss the need for more oversight and regulation of investigative judges assigned to detention facilities.
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